

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARTIN G. McNULTY,

Case No. 08-13178

v.  
Plaintiff,

Honorable Paul D. Borman  
United States District Judge

REDDY ICE HOLDINGS, INC.,  
ET AL.,

Honorable R. Steven Whalen  
United States Magistrate Judge

Defendants.

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**ORDER GRANTING DEFENDANT ARCTIC GLACIER'S  
MOTION FOR A PROTECTIVE ORDER [Doc. #159]**

Before the Court is Defendant Arctic Glacier's Motion for a Protective Order [Docket #159], in which it asks the Court to "order that no discovery be taken that relates solely to the market allocation conspiracy."

On January 6, 2011, I filed an Opinion and Order denying Plaintiff's motion to compel discovery related to the market allocation conspiracy [Doc. #203]. There, I held that the facts of the underlying market allocation conspiracy were not sufficiently related to the RICO scheme alleged in this case, whose purpose was to blackball Plaintiff from employment in the packaged ice industry. Therefore, under *H.J. Inc. v. Northwestern Bell Telephone Co.*, 492 U.S. 229, 109 S.Ct. 2893, 2900, 106 L.Ed.2d 195 (1989), as well as Judge Borman's previous rulings in this case, the market allocation conspiracy could not be used as a predicate act to support the alleged RICO count.

Accordingly, for the reasons set forth in Section III(A) of my Opinion and Order Denying Motions to Compel [Doc. #203], Defendant Arctic Glacier's motion for protective order [Doc. #159] is GRANTED, and Plaintiff shall be precluded from taking discovery that relates solely to the market allocation conspiracy.

SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Date: January 10, 2011